

Maryland Administrative Office of the Courts
Business and Technology Case Management Program

***Application to be Listed for Designation as a Business and Technology
Mediator Pursuant to Maryland Rule 17-107***

Please file the original or a copy of this application, with supporting documentation, with the Administrative Office of the Courts, attention Frank Broccolina .

Applicant Information

Full Name _____
Address (home) _____

Address (work) _____

Telephone (home) _____ (work) _____
Facsimile (home) _____ (work) _____
E-Mail Address _____

I am submitting this application to mediate business and technology cases in the following circuit courts:

_____ Allegany	_____ Charles	_____ Prince George's
_____ Anne Arundel	_____ Dorchester	_____ Queen Anne's
_____ Baltimore City	_____ Frederick	_____ Saint Mary's
_____ Baltimore County	_____ Garrett	_____ Somerset
_____ Calvert	_____ Harford	_____ Talbot
_____ Carroll	_____ Howard	_____ Washington
_____ Caroline	_____ Kent	_____ Wicomico
_____ Cecil	_____ Montgomery	_____ Worcester

Please describe the types of disputes you have mediated, and the number of cases that you have handled within the past **twelve months**. Also, indicate the approximate percentage of each which was court referred. Mediation as defined in Maryland Rule 17-102(d) does not include arbitration, neutral case evaluation or any other form of ADR.

Case Type (e.g., divorce, business)

Number of Cases

% Court-Referred

Qualifications - See Maryland Rule 17-104.

(1) Age Requirement

_____ I am at least 21 years old.

(2) Education

Please list colleges, universities and other higher education institutions attended and degrees attained:

<u>Institution</u>	<u>City/State</u>	<u>Dates Attended</u> <u>From</u> <u>To</u>	<u>Degree</u> <u>Attained</u>	<u>Major</u>

or

_____ I request that the court waive the bachelor's degree requirement in connection with particular actions. To support this request, attached is additional information outlining why my mediation experience, work history, and/or community activities make me uniquely qualified to handle particular types of circuit court cases.

(3) Mediation Training

_____ I have completed a 40-hour mediation training program that meets the requirements of Maryland Rule 17-106(a), including training in (1) conflict resolution and mediation theory, (2) mediation skills and techniques, (3) mediator conduct, (4) rules, statutes and practice governing circuit court mediation, and (5) simulations and role-playing.

Please describe below all mediation training you have received.

<u>Course Hours</u>	<u>Trainer/Organization</u>	<u>Location</u>	<u>Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(4) Required additional experience for Business and Technology Mediators

- a) _____ I am interested in business and technology cases, meet all of the general mediator qualifications, and, in addition to the 40-hour mediation training program required by 17-106(a), in the two years prior to my submission of this application, I have conducted as a mediator at least five non-domestic circuit court mediations or five non-domestic non-circuit court mediations of a complexity comparable to a circuit court case (at least \$25,000 in controversy).
- b) _____ Of the five mediations noted in (a) above, (1) at least two of the mediations were among the type of cases assigned to the business and technology case management program (see below), or (2) in addition to the five cases mediated as described in (a) above, I have co-mediated, on a non-paid basis, two cases from the business and technology case management program with a mediator already approved to mediate these cases.

*Cases that are eligible for the **Business and Technology Case Management Program** are cases in which “on written request of a party or on the court's own initiative, the Circuit Administrative Judge of the circuit in which an action is filed or the Administrative Judge's designee may assign the action to the program if the judge determines that the action presents commercial or technological issues of such a complex or novel nature that specialized treatment is likely to improve the administration of justice. Factors that the judge may consider in making the determination include: (1) the nature of the relief sought, (2) the number and diverse interests of the parties, (3) the anticipated nature and extent of pretrial discovery and motions, (4) whether the parties agree to waive venue for the hearing of motions and other pretrial matters, (5) the degree of novelty and complexity of the factual and legal issues presented, (6) whether business or technology issues predominate over other issues presented in the action, and (7) the willingness of the parties to participate in ADR procedures.” Maryland Rule 16-205(c).*

- c) _____ If my application is approved for cases in the Business and Technology Case Management Program, I agree to serve as a co-mediator with at least two mediators each year who are seeking to meet the requirements of Rule 17-104(c)(2).
- d) _____ If my application is approved for cases in the Business and Technology Case Management Program, I agree to complete any continuing education training required by the Business and Technology ADR Committee of the Conference of Circuit Court Judges.

Please list the five mediations that you conducted in the past two years, and note which two (or more) were among the type that were assigned to the business and technology case management program.

<u>Name of Co-Mediator or Self-Conducted</u>	<u>Non-court or name of Circuit Court</u>	<u>Subject of case</u>	<u>Date(s)</u>

(5) Ethics, Monitoring, Procedures and Other Requirements

_____ I agree to abide by the Standards of Conduct for Mediators approved by the Court of Appeals, to submit to periodic monitoring of court-ordered mediation sessions by a qualified mediator designated by the circuit administrative judge, and to comply with reasonable procedures and requirements prescribed in the court's case management plan relating to diligence and quality assurance.

_____ I am willing to accept a reasonable number of referrals on a reduced fee or pro bono basis upon request by the court.

_____ I agree to be responsible for finding an appropriate (if requested, ADA accessible) location for mediation sessions that is convenient for the parties.

(6) Other Occupations

Please list any other occupations that you have or have had that may assist in your performance of duties as a mediator in a business/technology case.

(7) Professional Affiliations/Community Activities

Please list any professional affiliations and/or community activities that you consider relevant to your designation as a mediator.

(8) Criminal or Disciplinary Actions -- Pending Complaints

- a) Have you ever been convicted of any crime in Maryland or elsewhere other than a minor traffic violation? If so, please provide details including the conviction date, the location and name of the court, the offense, and the sentence imposed.

- b) Are there currently any criminal charges pending against you in Maryland or elsewhere other than minor traffic violations? If so, please provide details including the date of the alleged incident, the location and name of the court and the alleged offense.

- c) Have you ever been disciplined by any court, administrative agency, Attorney Grievance Commission, or other disciplinary committee, agency or group in Maryland or elsewhere for unethical conduct or for the violation of any Code of Ethics? If so, please provide details including the date, the disciplinary body, the conduct at issue and the disciplinary action taken.

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- d) Are there any complaints or charges currently pending against you by any court, administrative agency, Attorney Grievance Commission, or other disciplinary committee, agency or group in Maryland or elsewhere for unethical conduct or for the violation of any Code of Ethics? If so, please provide details including relevant dates, the conduct at issue and the disciplinary body involved.

Required documentation — Checklist

I have attached the following:

- _____ A copy of my driver's license, state identification card, passport or other official signed photo identification as proof that I am at least 21 years old.
- _____ Proof that I have at least a bachelor's degree, **or** documentation supporting my request for this requirement to be waived by the Business and Technology ADR Committee of the Conference of Circuit Court Judges in connection with particular actions.
- _____ A copy of a certificate or other proof documenting my completion of at least 40 hours of mediation training that meets the requirements of Maryland Rule 17-106(a), and proof of other mediation training courses completed.
- _____ An affidavit, affirming under the penalties of perjury and upon personal knowledge, that the information contained herein is true.
- _____ A copy of my resume, references, and/or other information to support my application as a mediator (optional).

I hereby represent that all information provided by me in this application is true and correct:

Signed: _____
(Applicant)

Dated: _____

Being listed for designation as a mediator *does not guarantee that you will receive any case referrals* from the circuit court nor does it establish court employee status for mediators. Please read Maryland Rules 17-101 through 17-109 containing circuit court Rules applicable to alternative dispute resolution and to being listed for designation as a mediator.